



Town of Moultonborough Planning Board
Notice of Decision
Conditional Use Permit
NH Route 25 Realty Trust/Tax Map 141, Lot 9

October 15, 2009

Applicant: NH Route 25 Realty Trust
P.O. Box 52
Moultonborough, NH 03254
Location: NH Route 25 (Tax Map 141, Lot 9)

On October 14, 2009 the Planning Board of the Town of Moultonborough opened a public hearing on the application of NH Route 25 Realty Trust, P.O. Box 52, Moultonborough, NH 03254 (hereinafter referred to as the “Applicant” and/or “Owner”) to allow for conditional use for storage space in the fifty (50) foot wetlands setback in the Commercial A Zoning District.

The public hearing was closed on October 14, 2009 At the regularly scheduled Planning Board meeting on October 14, 2009 the Board voted by a vote of six (6) in favor (Ryerson, Coppinger, Jensen, Nelson, Fairchild, Charest), none (0) opposed, to Grant their request for a Conditional Use Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, “Site Plan Prepared for Dion’s Plant Place & Landscapes, land of NH Route 25 Realty Trust (Tax Map 141, Lot 9)”, prepared by David M. Dolan Associates, P.C., 87 Whittier Highway, Moultonborough, NH 03254, dated September 22, 2009.

2. Amendments

Any modification to the approved amended plan dated September 22, 2009 and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

3. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this Conditional Use Permit shall be placed on the final plans, or this decision shall be referenced on the plans, or this Notice of Decision and said plans shall be recorded at Carroll County Registry of Deeds within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

4. Construction Practices

All construction shall be carried out in accordance with Town of Moultonborough ordinances. All staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

5. Construction Requirements

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner at the end of construction.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

6. Fire Department

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

7. Office of the Building Inspector

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

8. Flagging of Wetland

Flagging of the 50-foot buffer shall be required before and during any construction.

9. Application of Best Management Practices

Applicable industry Best Management Practices shall be employed for all construction activities on the site.

10. Wetland Setback Usage

No pesticides or fertilizers shall be stored or displayed within the fifty (50) foot Wetlands Setback area.

11. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

12. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

13. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

Judith A. Ryerson
Chairman, Planning Board

Date _____